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OK/HAV

5  
6 Attorney for Defendant  
STUART MARTIN ALLEN  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) No. CR-S-04-0438 DFL  
12 Plaintiff, )  
13 ) STIPULATION AND [PROPOSED ORDER]  
14 v. )  
15 STUART MARTIN ALLEN, ) Date: January 12, 2006  
16 ) Time: 10:00 A.M.  
17 Defendant. ) Judge: Hon. David F. Levi  
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19 IT IS HEREBY STIPULATED by and between the parties hereto through  
20 their respective counsel, WILLIAM WONG, Assistant United States  
21 Attorney, attorney for Plaintiff, DENNIS S. WAKS, Supervising Assistant  
22 Federal Defender, attorney for defendant, that the current Status  
23 Conference date of December 15, 2005 be vacated and a new Status  
24 Conference date of January 12, 2006 at 10:00 a.m. be set.

25 Counsel has recently been re-assigned to this case and will need  
26 the additional time to speak with Mr. Allen and review the case.  
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28 It is further stipulated and agreed between the parties that the

1 period beginning December 15, 2005 to January 12, 2005, should be  
2 excluded in computing the time within which the trial of the above  
3 criminal prosecution must commence for purposes of the Speedy Trial Act  
4 for defense preparation. All parties stipulate and agree that this is  
5 an appropriate exclusion of time within the meaning of Title 18, United  
6 States Code, Section 3161(h)(8)(iv) (Local Code T4) and that the ends  
7 of justice to be served by a continuance outweigh the best interests of  
8 the public and the defendant in a speedy trial.

9  
10 Dated: December 13, 2005

11 Respectfully submitted,

12 QUIN DENVIR  
13 Federal Defender

14 /s/ Dennis S. Waks  
15 DENNIS S. WAKS  
16 Supervising Assistant Federal  
17 Defender  
Attorney for Defendant  
STUART MARTIN ALLEN

18 MCGREGOR W. SCOTT  
19 United States Attorney

20  
21 Dated: December 13, 2005

22 BY: /s/ Dennis S. Waks for  
23 WILLIAM WONG  
24 Assistant U.S. Attorney

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28 Stipulation and order/Stuart Allen\Cr-S-04-438

## ORDER

Based on the parties' stipulation and good cause appearing therefrom, the Court hereby adopts the stipulation of the parties in its entirety as its order. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: 12/19/2005

DAVID F. LEVI  
United States District Judge